CONNY B. McCORMACK
Registrar-Recorder/County Clerk

December 23, 2003

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**AGREEMENT BETWEEN CITY OF LONG BEACH AND COUNTY OF   LOS ANGELES
FOR USE OF COUNTY'S VOTER INFORMATION MANAGEMENT SYSTEM (VIMS)
(All Districts) (4 Votes)**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve the enclosed Agreement between the City of Long Beach and the County of Los Angeles for on-line access to the County's Voter Information Management System (VIMS), for a total amount of $67,114 to be paid in two (2) installments of $33,557 over a period of two (2) years, with the first payment due upon Board approval of said agreement and the second payment of $33,557 due one (1) year from the date of the first payment.

2. Authorize and delegate to the Registrar-Recorder/County Clerk the authority to sign the enclosed Agreement.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION:

On February 10, 1998, your Board approved an Agreement for the purchase and installation of a client server (i.e., P.C.) Voter Information Management System (VIMS) from Data Information Management, Systems, Inc. (DIMS) which has been acquired by and is now a wholly-owned subsidiary of Diebold Election Systems, Incorporated (DESI) as of January 2003.

The recommendation will permit the City of Long Beach, in return for payment to the County for a total amount of $67,114, to be paid in two (2) installments of $33,557 over a period of two (2) years, on-line access to VIMS for the duration of the County's Agreement with DESI of which the last option period is due to expire on February 10, 2006.

The primary purpose for use of the VIMS system by the City of Long Beach is for planning and conduct of the April and June 2004 election cycles. The RR-CC has agreed to allow the City use the VIMS system for 2006 election cycle without any additional payment beyond the required two (2) installments noted above, if the RR/CC extends the VIMS contract beyond February 10, 2006.

Additionally, the City Clerk of Long Beach, who is responsible for election management for the City of Long Beach, will seek approval from the Mayor and City Council of Long Beach at their December 23, 2003 Council meeting, authorizing the City Manager to execute said Agreement with the County in exchange for on-line access to the County's VIMS for the duration of the County's contract with DESI.

Should this Agreement be approved, it would present a mutually beneficial opportunity for the County and the City of Long Beach to improve election operations and consistency of procedures for County/City elections which are consolidated on the same date, and for City elections conducted in April and June of even-numbered calendar years on different election dates.   In addition, should the Board approve this Agreement, the City of Long Beach will no longer be charged for signature verification as the City will be able to directly verify signatures on-line.

Until this Agreement is approved by your Board, the City of Long Beach will request on-line data access to the VIMS system for an $0.18 per transaction fee, as is the current practice.

IMPLEMENTATION OF STRATEGIC PLAN GOALS:

This request supports the County's Strategic Plan as follows:

Goal No. 1: Service Excellence: Provide the public with easy access to quality information and services that are both beneficial and responsive.

Strategy 1:   Develop standards for user-friendly service.
Strategy 2:   Design seamless service delivery systems.

Goal No. 3: Organizational Effectiveness: Ensure that service delivery systems are efficient, effective and goal-oriented.

Strategy 1:   Improve internal operations.
Strategy 3:   Collaborate across functional and jurisdictional boundaries.

Goal No. 4: Fiscal Responsibility: Strengthen the County's fiscal capacity.

Strategy 1:   Manage effectively the resources we have.
Strategy 3:   Increase public/private partnerships.

FISCAL IMPACT/FINANCING

The Agreement provides immediate revenue to offset the County's expenditure for the purchase and installation of VIMS. In the event on-line access to VIMS from City locations is for any reason unavailable, and disruption of on-line access is sufficiently long to negatively impact a City municipal election, to the extent feasible as determined by the RR/CC, the RR/CC will provide the City access to VIMS on County terminals at County facilities. In the event that the County's agreement with DESI is terminated or canceled and the RR/CC is unable to maintain a VIMS client server environment permitting on-line access to the City of Long Beach, the County of Los Angeles will refund the City of Long Beach on a pro-rata basis as follows: If the City of Long Beach is unable to use the VIMS system for its 2006 April and June elections due to non-renewal of the contract between DESI and the County, the County will refund to the City one-half of the total amount agreed upon in the contract, that is, $33,557. In such event, neither the County of Los Angeles nor the City of Long Beach shall have any further obligations under the Agreement.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS:

City election expenses are a charge against the treasury of the City in accordance to *Elections Code § 13001*. This Agreement provides for two (2) installments as outlined above, from the City of Long Beach for on-line election services to be provided to the City by the County's Registrar-Recorder/County Clerk, in lieu of assessing such charges on a per transaction basis.

The term of the Agreement is for the duration of the County's Agreement with DESI (formerly DIMS) which was approved by your Board on February 10, 1998 of which the last option period is due to expire on February 10, 2006.

The County Counsel has reviewed this proposed Agreement and approved it as to form. This is neither a Proposition A nor cafeteria concession agreement, therefore, the provisions of the County's *Living Wage Program* (*County Code Chapter 2.201*) are not applicable.

IMPACT ON CURRENT SERVICES:

Approval of the recommended Agreement would present a mutually beneficial opportunity for the County and the City of Long Beach to improve election operations and recognizes the County's strategic vision to foster collaborative public partnerships across jurisdictional boundaries. This partnership also improves public service by providing uniform and consistent voting parameters to voters who may vote in both City and County conducted elections.

CONCLUSION:

1. The Executive Officer-Board of Supervisors is requested to return three (3) adopted-stamped copies of the approved Board letter with attachments, to the Registrar-Recorder/County Clerk.

2. In addition, forward four (4) adopted-stamped copies of the Board letter with attachments, to the City Manager of the City of Long Beach, Gerald R. Miller at Long Beach City Hall, Lobby Level, 333 W. Ocean Blvd., Long Beach, CA 90802 in order for the City to attest to the document by signing it in the spaces provided, as is required by the City of Long Beach. After attesting, the City Manager will return two (2) originals to the Registrar-Recorder/County Clerk.

Respectfully submitted,

_____
CONNY B. McCORMACK
Registrar-Recorder/County Clerk

Attachment (1)
CMC:mcb

c: Chief Administrative Officer
        Executive Officer, Board of Supervisors
        County Counsel
        Chief Information Officer
        Auditor-Controller

**Agreement Between the City of Long Beach
and the County of Los Angeles for Use
of County's Voter Information Management Systems
(VIMS)**

RECITALS

1. On February 10, 1998, the Los Angeles County Board of Supervisors approved an Agreement with DIMS (now known as **D**iebold **E**lection **S**ystems, **I**nc.) for the purchase and installation of a PC and Network-based Voter Information Management System (VIMS) by the Los Angeles County Registrar-Recorder/County Clerk.

2. On December 23, 2003, the City Council of the City of Long Beach will meet and vote to authorize the Long Beach City Manager to negotiate and execute an Agreement with the County of Los Angeles concerning the City's use of VIMS.

3. Both the Long Beach City Clerk and the Los Angeles County Registrar-Recorder/County Clerk have concluded that their joint use of VIMS will allow them to more efficiently conduct the elections of their respective jurisdictions.

4. Both the Long Beach City Clerk and the Los Angeles County Registrar-Recorder County/Clerk understand that this joint use of VIMS will improve the planning and conduct of the April and June 2004 and 2006 City of Long Beach election cycles.

AGREEMENT

The City of Long Beach, (hereinafter referred to as "LBC"), and the County of Los Angeles, acting by and through the Los Angeles County Registrar-Recorder/County Clerk (hereinafter referred to as "RR/CC"), do hereby enter into this Agreement for the use of VIMS as described above. The terms of this Agreement are as follows:

1.   Term

This Agreement shall commence upon execution and continue during the period of the County's agreement with Diebold Election Systems, Inc., of which the last option period is due to expire on February 10, 2006. Notwithstanding this term, the City of Long Beach may use the Diebold Election System software at no additional cost after this date if the RR/CC extends its agreement with Diebold Election Systems for use during the 2006 election cycle.

2.   Obligations of the City of Long Beach

a. The City of Long Beach will pay the County of Los Angeles Registrar-Recorder/County Clerk in two (2) installments of $33,557 over a period of two (2) years, with the first payment due upon Board approval of this Agreement and the second payment of $33,557 due one (1) year from the date of the first payment, for a total amount of $67,114, for the use of County's VIMS. The City will not be required to pay any additional fees, costs or payments to the County or to others above the total payment of $67,114 in connection with the City's use of VIMS.

b. The City of Long Beach will provide all hardware and communications equipment and support needed by the City to access VIMS at the City location, and the City of Long Beach will be responsible for maintaining the City's equipment and communications connections.

c. The City of Long Beach will pay for any other direct election services provided by the RR/CC for conducting municipal elections, and for City elections conducted in April and June of even-numbered calendar years on different election dates.

3. **Obligations of the Los Angeles County Registrar-Recorder/County Clerk**

a. The Registrar-Recorder/County Clerk will pay for all necessary software modifications, yearly maintenance charges and licensing fees for VIMS during the term of the Agreement.

b. The Registrar-Recorder/County Clerk will provide the City of Long Beach with on-line access to VIMS, free of charge, for election purposes during the duration of the Agreement.

c. In the event on-line access to VIMS from City locations is for any reason unavailable, and disruption of on-line access is sufficiently long to negatively impact a City municipal election, to the extent feasible as determined by the RR/CC, the RR/CC will provide the City access to VIMS on County terminals at County facilities.

4. **Termination or Cancellation of VIMS Agreement**

In the event that the County's agreement with DESI is terminated or canceled and the RR/CC is unable to maintain a VIMS client server environment permitting on-line access to the City of Long Beach, the County of Los Angeles will refund the City of Long Beach on a pro-rata basis as follows: If the City of Long Beach is unable to use the VIMS system for its 2006 April and June elections due to non-renewal of the contract between DESI and the County, the County will refund to the City one-half of the total amount agreed upon in this contract, that is, $33,557. In such event, neither

the County of Los Angeles nor the City of Long Beach shall have any further obligations under this Agreement.

5. **Primary Contacts**

For the purpose of this Agreement, notices shall be addressed as follows:

To City of Long Beach: Larry Herrera, City Clerk,
1st Floor – City Hall
333 West Ocean Boulevard
Long Beach, CA 90802
(562) 570-6711

To County of Los Angeles: Ms. Kris Heffron, Chief Deputy
Registrar-Recorder/County Clerk
12400 Imperial Highway
Norwalk, CA 90650
(562) 462-2883

APPROVALS:

IN WITNESS WHEREOF, these parties hereto have caused this Agreement to be duly executed.

APPROVED AS TO FORM AND LEGALITY:

CITY OF LONG BEACH
ROBERT E. SHANNON   A Municipal Corporation
City Attorney

By:_____   By:_____
      City Attorney   **GERALD R. MILLER**
          City Manager

Dated:_____   Dated:_____

APPROVED AS TO FORM:

COUNTY OF LOS ANGELES
LLOYD W. PELLMAN
County Counsel

By:_____
By:_____   **CONNY B. McCORMACK**
   JUDY WHITEHURST   Registrar-Recorder/County Clerk
Senior Deputy County Counsel

Dated:_____   Dated:_____